REMARKS

Reconsideration of the application as amended is respectfully requested.

Claims 9-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,363,462 of Bergsten et al. in view of U.S. Patent No. 6,862,708 of Higginbotham et al. Applicants respectfully traverse the rejection.

The claims generally pertain to a data processing device with an interface for connecting to a computer. Rather than utilizing a specialized low-level communication protocol, an application running on the host computer controls the connected the data processing device using a basic command available through the host computer's operating system, namely the write command for writing a file to a storage medium. The application program running on the host creates a special file containing a command that is specific to data processing device. It then asks the operating system of the computer to write, using the operating system's write command, the special file to the connected data processing device. Once the special file is written to the data processing device, the data processing device reads the file and executes the command contained in the file.

The rejection appears to be predicated on a misunderstanding of the claimed subject matter and a misreading of Higginbotham et al. Applicant has amended to the claims to clarify, but not limit, what is being claimed, in hopes of removing any doubt in the examiner's mind as to the manner in which the claimed subject matter is functioning. To further clarify the claimed subject matter, without intending to limit it further, the amendments also clarify that the data processing device mimics or simulates to the computer a data storage medium. In other words,

to a computer connected to the data processing device, the data processing device looks like a data storage medium rather than functioning data processing device with a processor.

Unless specifically and expressly noted, the amendments are intended to further clarify the invention, and are not intended to add any limitations or narrow any existing limitations in response to the rejections. Furthermore, many of the amendments are intended to change the formal structures of some of the claims without introducing any additional limitations. For example, certain limitations in some of the apparatus claims have been rewritten so that they do not appear to be method steps but rather structural elements of the apparatus. These changes are not being made in response to a rejection.

Applicants respectfully submit that Bergsten and Higginbotham et al. do not disclose or suggest, either by themselves or combination, transferring a device-specific command between a host computer and an external device by packing the command into a file and writing the file, using a write command at the host system level, to the device. For at least this reason, the combination fails to demonstrate the claimed invention is obvious, and thus the examiner has failed to establish a *prima facie* case of obviousness. Furthermore, neither reference discloses the limitation that the external data processing device connected to the computer presents itself to the host computer as a data storage medium.

The system described by Higginbotham, et al. appears to represent the same prior art approach discussed in the background section of the present application, which is rejected by the present applicants. Higginbotham et al. are concerned about an extensible communication engine that permits device commands of a new data type or function to be added to the commanding system through an offline automated modification to a command database and an offline addition

and mapping of a corresponding set of instructions for communicating a command buffer in accordance with the added device commands having new data types or functions. See col. 2 at lines 12-19. The invention that is disclosed and explained by Higginbotham et al. appears to allow applications developers the capability of extending "device commanding engines" without the need "to substantially modify the internal structures of both the command database and command commutation engine." Col. 2, lines 1-3. The system used in Higginbotham et al. presents no different mechanism for communicating commands for controlling an external data processing device than the prior discussed in the present application. It still relies upon a transfer command with a transport protocol, and not on a write or, in the case of several of the dependent claims, a read command of an operating system.

The specification of the present application avoids all use of specialized commands and transmission protocols by utilizing the operating system specific write command. See paragraph [0010]. See also paragraphs [0002]-[0006] (expanding or changing the operating system of a computer and installing special drivers creates problems with users who do not have administrative rights to install software or install special drivers for accessing connected data processing devices.) A further technical distinction between a write command and a transfer command is that a write command administers memory addresses, while a transfer command is executed by means of a buffer and does not allow a free or random access to memory. In sum, there appears to applicant to be nothing Higginbotham et al. that teaches anything but a conventional command system that applicants seek to avoid.

Turning now to the specific passages cited by the examiner as evidence in her reasoning in support of the rejection, it is respectfully submitted that the passages have been misinterpreted,

cited out of context, and, in any event, plainly cannot meet the limitations of the claims the passages are alleged to meet.

For example, the examiner cites line 55-59 of col. 8 as teaching "receiving the special file by the device; reading the device specific command from the special file." However, the cited passage appears to concern only the receipt of a command through a command interface, without any suggestion of the claimed mechanism for transferring a device-specific command.

The examiner cites column 3, lines 31-37 for the proposition that a command is being stored in a special file. It appears that she is contending that a database "record" constitutes a "special file" as set forth in the claims. Applicant contents that a database record does not constitute a file that can be separately written to a data storage medium, separate from the database, and, therefore, cannot be considered a special file as set forth in the claim. However, even if it is assumed that the record in a database is a special file, it is submitted that the record is not ever transmitted in Higginbotham et al. to a connected device in order to transfer controlling of that device.

The examiner cites column 4, lines 46-52 and column 8, lines 45-50 as disclosing "transmitting the special file from the computer to the device by means of the write command of the operating system of the computer." These passages mention only in the most general terms transmission of device commands. There is no mention of using a write command for transferring a command from a host computer to a connected data processing device. Indeed, there is no mention in these passages of writing the database record that the examiner contends is a special file. Column 8, lines 45-50, makes mention of writing instructions to a shared object library, but this is writing of software code to the library for the commanding system.

Finally, column 8, lines 55-59 appear to be cited as teaching reading by the data processing device of a device specific command from the file written to the device. However, all that these lines reference is receiving of a command through a "command interface." This evidences only the conventional command mechanism that the applicants rejected in favor of the claimed subject matter.

The examiner relies on Bergsten et al. as teaching "having a processor" and "reading," elements that the examiner admits are missing from Higginbotham et al. However, Bergsten et al. show only a hard disk controller for transmitting specific commands for transfer on a low physical level. Bergsten uses a very special protocol for the extended mass storage devices that are disclosed, which cannot be used in general for different types of systems. It plainly does not appear to suggest or disclose the missing elements noted above as missing from the Higginbotham et al. reference. Furthermore, it is submitted that it is no different than the Higginbotham et al. reference in the sense that it relies upon low-level transmissions of commands in order to control a device connected to a host computer.

In conclusion, it is submitted that neither Bergsten et al. nor Higginbotham et al. contemplate any of the problems such systems can create in situations identified by applicants in the application. Therefore it is not surprising that the combination of the does not disclose the solution claimed by applicants, must less render it obvious to someone having ordinary skill in the art.

Given the substantial failure of the combination of Higginbotham et al. and Bergsten to meet many of the limitations of any of the independent claims, the combination could not render any of the dependent claims obvious, and therefore, applicants elect not to address the reasoning

given with respect to the rejection of the dependent claims at this time. However, their election should not be considered acquiescence in or any agreement to the rationales given for the rejections of the dependent claims or a waiver of its right to complain about the rejections on appeal. Indeed, the rejections of the dependent claims appear to perpetuate the fundamental misunderstanding that the examiner has exhibited with respect to her interpretation of the amended claims in Higginbotham et al.

For at least the foregoing reasons, Applicants respectfully submit that none of claims are obvious in view of Higginbotham et al. and Bergsten, et al. and that the examiner has failed to make a *prima facie* case of obviousness in view of the extensive errors in the interpretation of Higginbotham et al. and the claims noted above.

Applicants submit that this application is now in allowable form, and request a notice of allowance. Applicants hereby authorize the Commissioner to charge any fees due but not submitted with this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call applicant's attorney for any reasons that would advance the current application to issue. Please reference attorney docket no. 125542-1005.

Respectfully submitted,

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